

REGULAR

NUMBER 261

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADDING CHAPTER 18 TO TITLE V OF THE MUNICIPAL CODE
AUTHORIZING ENFORCEMENT OF POSTED USE REGULATIONS AT
DESIGNATED PUBLIC SITES AND FACILITIES

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of
February 17, 2004, upon motion by Councilmember _____ and was adopted (second
reading) by the City Council at its meeting of _____, 2004, upon motion by
Councilmember _____. Said Ordinance was duly passed and ordered published in
accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

A new Chapter 18 is added to Title V of the Milpitas Municipal Code to read as follows:

CHAPTER 18 - ENFORCEMENT OF USE REGULATIONS AT DESIGNATED PUBLIC SITES AND FACILITIES

Section I - Posting authorized--Description of signs.

Any person, governmental agency, department or instrumentality having possession or control of any of the facilities or properties enumerated in this chapter, may post, at each entrance to any structure or use devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted to any such use, and at intervals of not more than three hundred feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, in legible letters not less than two inches in height, rules and regulations governing the use of the facility; provided, however, that any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof, or where materials are delivered to or received by the public, shall not be so posted. Such regulations may include, but are not limited to, prohibitions on certain uses or activities, possession of enumerated items or equipment, and rules concerning times the facility may be used by the public. This signage must clearly state the proscribed activities and uses, and must indicate that violation of the use provisions is an infraction pursuant to this chapter, and that such violation is punishable by law.

Section II - Posted boundary defined.

The "posted boundary" of any area shall be a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land.

Section III - Where posting is permitted.

The places which may be so posted are the following:

- A. Playgrounds, playing fields, gymnasiums and other athletic complexes owned by the Milpitas Unified School District
- B. Any "Park," as that term is defined in Title V, Chapter 9, Section 1.01 of this Code
- C. Any "Swimming Pool," as that term is defined in Title V, Chapter 201, Section 1.01 of this Code;
- D. Any other Public Facility located within Milpitas City Limits;

Section IV - Trespass within posted boundary unlawful.

When any such premises is posted as provided in this chapter, it is unlawful for any person to use or to remain upon any place within the posted boundary of any such premises in a manner inconsistent with posted regulations, or to enter or to remain in any such posted structure or facility without having upon his person the express written consent of the person, department or agency lawfully in possession or control thereof.

Section V - Damaging signs.

No person shall tear down, deface or destroy, or cause to be torn down, defaced or destroyed, any sign placed or posted under the provisions of this chapter without the consent of the person, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected.

Section VI - Penalty Provision

See I-1-4.09-1